TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1885.

No. 974.

EX PARTE: WILLIAM L. ROYALL, No. 1, APPELLANT AND PLAINTIFF IN ERROR.

APPEAL FROM AND IN ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF VIRGINIA.

FILED SEPTEMBER 25, 1885.

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JUDD & DETWEILER, PRINTERS, WASHINGTON.

1 In the Circuit Court of the United States for the Eastern District of Virginia.

Ex Parte WILLIAM L. ROYALL No. 1.

Be it remembered that heretofore, to wit, on the 29th day of May, A. D. 1885, came William L. Royall, and filed his petition for a writ of *habeas corpus*, in the clerk's office of the said circuit court of the United States, which petition is as follows:

In the Circuit Court of the United States for the Eastern District of Virginia.

Ex Parte WILLIAM L. ROYALL No. 1.

To the honorable judges of the circuit court of the United States for the eastern district of Virginia:

The petition of Wm. L. Royall respectfully shows that he is a citizen of the United States of America. That Edwin Parsons is a citizen of the State of New York, and is the owner of certain bonds issued by the State of Virginia under the provisions of an act of the General Assembly of said State, approved March 30th, 1871, entitled "An act to provide for the funding and payment of the public debt."

2 That in the month of February, 1884, the said Parsons cut a coupon for thirty dollars ($30) from one of said bonds in the presence of your petitioner, and delivered it to your petitioner with instructions to him to carry it to the city of Richmond, Virginia, and sell it for the best market price. That your petitioner knows the said bond was issued by the State of Virginia because it was signed by George Rye, the treasurer of said State at the time it was issued, and by Asa Rogers, the second auditor of said State at that time, with the handwriting of both of whom your petitioner is familiar. That said coupon had upon its face the contract of the State of Virginia that it should be received in payment of all taxes, debts, and demands due to said State. That in the month of June, eighteen hundred and eighty-four, your petitioner sold said coupon to Richard W. Maury for ten dollars and a half in current money, and that your petitioner remitted the same to the said Edwin Parsons. That your petitioner made no charge for his services and received no compensation therefor. That he acted in the matter as an agent without pay, and the transaction is therefore to be regarded as one in which the said Parsons sold his own coupon. That

3 said coupon was overdue and past maturity.

That on the second day of June, 1884, the grand jury of the city of Richmond, Virginia, found an indictment against your petitioner, for selling said coupon without a license. That the before-mentioned coupon is the only one that your petitioner has sold. That your petitioner was thereupon arrested and committed to the custody of N. M. Lee, sergeant of the city of Richmond, to be tried on said indictment, and that he will be prosecuted and tried on said indictment for selling said coupon without a license, under the pro-

visions of section 65 of the act of March 15th, 1884, relating to licenses generally, and the general provisions of the State law in respect to doing business without a license. That your petitioner had no license under the laws of Virginia to sell coupons. That the act of the General Assembly under which your petitioner was arrested and is being prosecuted requires any person who sells one or more of the said tax-receivable coupons issued by said State of Virginia to pay to said State, before said sale, a special license tax of $1,000, and, in addition thereto, a tax of twenty per cent. on the face value of each coupon sold.

4 That said act does not require the seller of any other coupon or the seller of anything else to pay said tax, but it is directed exclusively against the sellers of such coupons. That your petitioner is being prosecuted under said act because he sold said coupon without having first paid to said State said special license tax, and without paying to her said special tax of 20 per cent. on th eface value thereof. That said act of the General Assembly of Virginia is repugnant to section ten of article one of the Constitution of the United States, and is therefore null and void. That if the said State can refuse to pay the said coupons at maturity, and then tax the sale of them to tax-payers, she may thus indirectly repudiate them absolutely, and thus effectually destroy their value.

That you petitioner has been on bail from the time he was arrested until now, but that his bail has now surrendered him, and he is at this time in the custody of the said N. M. Lee, sergeant of the city of Richmond, to be prosecuted and tried on said indictment. That he is held in violation of the Constitution of the United States, as he is advised.

Your petitioner, therefore, prays that your honors or either of them will award him a writ of *habeas corpus* directed to N. M.

5 Lee, sergeant of the city of Richmond, Virginia, commanding him to produce the body of your petitioner, together with the cause of his detention, so that the same may be inquired into and your petitioner discharged from his unlawful custody.

WM. L. ROYALL.

STATE OF VIRGINIA, *City of Richmond*, } *To wit:*

This day William L. Royall personally appeared before me, Walter Christian, a notary public in and for said city, and made oath that the allegations of the foregoing petition are true.

Given under my hand this 10th day of February, 1885.

WALTER CHRISTIAN, *N. P.*

And on the same day, to wit, at a circuit court of the United States for the eastern district of Virginia, held at Richmond, in said district, on the 29th day of May, A. D. 1885.

Ex Parte WM. L. ROYALL No. 1.

6 This day Wm. L. Royall, the petitioner, presented his petition to the court, praying for a writ of *habeas corpus* to discharge him from a prosecution pending against him in the hust-

ings court of the city of Richmond for selling tax-receivable coupons of the State of Virginia without having first paid a special license tax therefor of $1,000, as required by the 65 section of the act of the General Assembly of the State of Virginia, approved March 15, 1884, but the court, being of opinion that it is without jurisdiction to discharge said petitioner from said prosecution, doth refuse to award said writ of *habeas corpus*, and dismisses the said petition, with costs.

RO. W. HUGHES, *Judge.*

And now at this day, to wit, at a circuit court of the United States for the eastern district of Virginia, held at Richmond, in said district, on the 22nd day of July, A. D. 1885.

Ex Parte WM. L. ROYALL No. 1.

This day the petitioner appeared, by counsel, in open court, and prayed an appeal to the Supreme Court of the United States
7 from the judgment refusing him a writ of *habeas corpus* heretofore entered, which is allowed him upon his entering into bond, payable to the United States of America, in the penalty of $200, conditioned for the payment of such costs as may become due to the officers of the Supreme Court of the United States upon such appeal.

RO. W. HUGHES, *Judge.*

8 UNITED STATES OF AMERICA, *To wit:*

The President of the United States to the judges of the circuit court of the United States for the eastern district of Virginia, Greeting:

Because in the record and proceedings and also in the rendition of the judgment of a plea which is in the said court before you, on the *ex parte* petition of William L. Royall for a writ of *habeas corpus* (No. 1), a manifest error hath happened, to the great damage of the said petitioner, as by complaint appears, we, being willing that the error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you may have the same at Washington, on the second Monday of October next, in the said Supreme Court to be then and there held, that, the record and proceedings aforesaid being inspected, the said Supreme Court may cause further to be done therein to correct that error which of right and according to the laws and customs of the United States should be done.

Witness the Honorable Morrison R. Waite, Chief Justice of the Supreme Court of the United States, this 22nd day of July, in the year of our Lord one thousand eight hundred and eighty-five.

[Seal United States Circuit Court, Eastern District of Virginia.]

M. F. PLEASANTS,
Clerk of the Circuit Court of the United States
for the Ea. District of Virginia.

9 [Endorsed:] No. 1. United States circuit court, east. district of Virginia. *Ex parte* Wm. L. Royall. Writ of error. Filed July 22d, 1885. M. F. Pleasants, clerk.

10 Circuit Court of the United States of America for the Eastern District of Virginia.

Ex Parte WM. L. ROYALL No. 1.

Know all men by these presents that we, Wm. L. Royall and McLain Pleasants, are held and firmly bound unto the United States of America in the sum of two hundred dollars, to be paid to the said United States of America, heirs, executors, administrators, or assigns; to which payment, well and truly to be made, we bind ourselves, and each of us, jointly and severally, and our and each of our heirs, executors, and administrators, firmly by these presents.

Sealed with our seals and dated this 28th day of July, A. D. 1885.

Whereas the above-named Wm. L. Royall hath prosecuted an appeal to the Supreme Court of the United States to reverse the judgment rendered in the above-entitled suit by the circuit court of the United States for the eastern district of Virginia:

Now, therefore, the condition of this obligation is such that if the above-named Wm. L. Royall shall prosecute his said appeal to effect, and answer all damages and costs if he shall fail to make good his plea, then this obligation shall be void; otherwise the same shall be and remain in full force and virtue.

WM. L. ROYALL. [SEAL.]
McLAIN PLEASANTS. [SEAL.]

Sealed and delivered in presence of—
M. F. PLEASANTS, *Clerk.*

11 *Assignment of Error.*

Circuit Court of the United States for the Eastern District of Virginia.

Ex Parte WM. L. ROYALL.

On petition for a writ of *habeas corpus* No. 1.

The appellant assigns for error the refusal of the court to award him a writ of *habeas corpus.*

July 28th, 1885.

WM. L. ROYALL.

UNITED STATES OF AMERICA, }
Eastern District of Virginia, } *ss:*

I, M. F. Pleasants, clerk of the circuit court of the United States for the eastern district of Virginia, hereby certify that the foregoing is a true and complete transcript of the record and proceedings in

the above-entitled cause as the same remains on the files of my office.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, at Richmond, in said district, this 28th day of July, A. D. 1885.

[Seal United States Circuit Court, Eastern District of Virginia.]

M. F. PLEASANTS, *Clerk.*

Endorsed on cover: E. Virginia. C. C. U. S. No. 974. *Ex parte* William L. Royall No. 1, appellant & plaintiff in error. Filed September 25, 1885.